

REMARKS

Claims 1-13 and 18-22 are pending in the present application, of which Claims 1-13 are withdrawn from consideration.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for the purpose of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (US 6,785,956).

In the Final Office Action, the Examiner asserts that Xu et al. ("Xu") discloses all the steps recited in Claim 18 except indicating the dielectric layer 44 as an insulating layer. Applicants respectfully disagree with this assertion.

Claim 18 recites a method of manufacturing a heating element, which comprises, *inter alia*:

"partially etching through the thickness of the insulating layer to define a protruding portion having substantially vertical sidewalls and flanked by two shoulder portions."

Xu fails to disclose such partial etching step. In Xu's disclosure, the patterned dielectric material 44 is formed by etching through the entire thickness of a dielectric layer and the etched feature has slope sidewalls (see Fig. 3A).

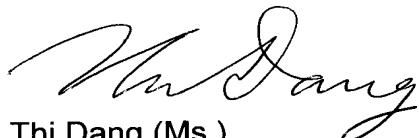
Because Xu fails to disclose or suggest all of the limitations recited in Claim 18, Miller cannot support a prima facie case of obviousness regarding the subject matter of Claim 18. Therefore, Claim 18 is patentable over Xu. Claim 19, which depends on Claim 18, is also patentable over Xu at least by virtue of its dependency. Claims 20-22 contain the limitations of Claim 18. Accordingly, Claims 20-22 are also patentable over Xu at least for the same reasons that Claim 18 is patentable.

Conclusion

In light of the foregoing, withdrawal of the rejection of record and allowance of the present application are earnestly solicited.

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Respectfully submitted,



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